

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRIAN CUMMINGS,

Plaintiff,

v.

BRETTON KEEFER et al.,

Defendants.

Case No. 3:22-cv-00301

Chief Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Alistair E. Newbern

ORDER

Plaintiff Brian Cummings has filed a “motion to deem service effective” on Defendant Afsoon Hagh, asking the Court to find that the U.S. Marshals Service effected service of process on Hagh on Cummings’s behalf on October 11, 2022. (Doc. No. 43.) Cummings has filed several declarations and exhibits in support of his argument that the Marshals Service served Hagh in substantial compliance with Federal Rule of Civil Procedure 4. (Doc. Nos. 43-1–43-10, 44, 45.)

The Federal Rules do not provide for the filing of motions to deem service effective. Rather, the kinds of arguments and evidence that Cummings presents are typically raised in the context of a motion for entry of default under Federal Rule of Civil Procedure 55(a). *See* Fed. R. Civ. P. 55(a).

Accordingly, Cummings’s motion to deem service effective (Doc. No. 43) is DENIED WITHOUT PREJUDICE. Cummings may file a motion for entry of default under Rule 55(a) for the Clerk of Court’s consideration or another motion authorized by the Federal Rules. Any such

motion should be supported by a memorandum of law and should include as appended exhibits any evidence Cummings wants the Court to consider in resolving the motion.

It is so ORDERED.


ALISTAIR D. NEWBERN
United States Magistrate Judge